

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 128 be amended to read as follows:

- 1 Page 2, after line 42, begin a new paragraph and insert:
- 2 "SECTION 3. IC 36-8-10-13 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. **Except as**
- 4 **provided in section 19 of this chapter**, a sheriff may participate in the
- 5 pension trust in the same manner as a county police officer. In addition,
- 6 a sheriff who is not participating in the pension trust after the creation
- 7 of the pension trust in ~~his~~ **the sheriff's** county may make a payment to
- 8 the pension trust in the amount of contributions ~~he~~ **the sheriff** would
- 9 have made had ~~he~~ **the sheriff** been participating while a sheriff, plus
- 10 interest at three percent (3%) compounded annually. The sheriff is
- 11 entitled to credit for the years of service as a sheriff for all purposes of
- 12 the pension trust if ~~he~~ **the sheriff** makes this payment.
- 13 SECTION 4. IC 36-8-10-19 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. **(a) Except as**
- 15 **provided in subsection (c)**, a person entitled to ~~a~~ **an** interest in or
- 16 share of a pension or benefit from the trust funds may not, before the
- 17 actual payment, anticipate it or sell, assign, pledge, mortgage, or
- 18 otherwise dispose of or encumber it. In addition, the interest, share,
- 19 pension, or benefit is not, before the actual payment, liable for the debts
- 20 or liabilities of the person entitled to it, nor is it subject to attachment,
- 21 garnishment, execution, levy, or sale on judicial proceedings, or
- 22 transferable, voluntarily or involuntarily.
- 23 **(b)** The trustee may expend the sums from the fund that it considers

1 proper for necessary expenses.

2 **(c) This subsection does not apply to the sheriff of a county.**  
3 **Notwithstanding any other provision in this chapter, an employee**  
4 **beneficiary who is receiving a normal or disability monthly pension**  
5 **benefit under this chapter may, after June 30, 2007, authorize the**  
6 **trustee to pay a portion of the employee beneficiary's monthly**  
7 **pension benefit to an insurance provider for the purpose of paying**  
8 **a premium on a policy of insurance for accident, health, or long**  
9 **term care coverage for:**

10 **(1) the employee beneficiary;**

11 **(2) the employee beneficiary's spouse; or**

12 **(3) the employee beneficiary's dependents (as defined in**  
13 **Section 152 of the Internal Revenue Code).".**

14 Renumber all SECTIONS consecutively.

(Reference is to ESB 128 as printed March 13, 2007.)

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Representative Tyler